

Thursday, 8 January 1948

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the President
War Ministry Building
Tokyo, Japan

PROCEEDING IN CHAMBERS

On

Application for leave to reopen
case in behalf of the accused
HOSHINO.

Before: .

HON. SIR WILLIAM WEBB,
President of the Tribunal
and Member from the Common-
wealth of Australia.

Reported by:

Clara Knapp
Court Reporter
IMTFE

Appearances:

For the Defense Section

Mr. Joseph G. Howard, Counsel
for the accused HOSHINO

For the Prosecution

Mr. Frank S. Tavenner.

For the Secretariat

Mr. Paul Lynch, Clerk of the Court

The proceeding was begun at 1450.

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THE PRESIDENT: This is an application for leave to reopen a case in behalf of the accused HOSHINO. The further evidence intended to be offered consists of excerpts from certain books and a regulation. Mr. Howard, for the applicant accused, says this new evidence is intended to meet evidence brought out by the Russian prosecution --

MR. HOWARD: Yes, sir, through the witness KEISAKU Murakami.

THE PRESIDENT: -- brought out by the Russian prosecution through the witness KEISAKU Murakami.

MR. HOWARD: On the 29th of October, 1947.

THE PRESIDENT: Yes, who offered an additional affidavit. That is your position?

MR. HOWARD: Yes. We don't have our evidence processed this afternoon, and it looks like the defense is about to run out of evidence, so there might be some other business to be handled before we get to this, since we are not quite ready.

THE PRESIDENT: What have you to say, Mr. Tavenner?

MR. TAVENNER: If it please your Honor, I think I should object on general principles, chiefly

because I haven't had an opportunity until this moment to know anything about this and to test the real value of the evidence that is proposed to be introduced.

THE PRESIDENT: All I can say is that if it is really an answer to the additional affidavit adduced by the Russian prosecution during the course of one of the defense cases, we will receive it subject to any objection. Perhaps you had better wait until the evidence is tendered. I can only take it to be the case that this evidence is really intended to meet the additional affidavit of KEISAKU Murakami, tendered at that stage. But that does not prevent you from objecting in court, of course, to certain portions of it.

MR. TAVENNER: Yes.

THE PRESIDENT: There are three excerpts and a regulation.

MR. HOWARD: Actually it will take very little time.

THE PRESIDENT: I think we must give you leave to offer this evidence at all events.

MR. HOWARD: Thank you, sir.

THE PRESIDENT: But it may not be admitted. It depends on the objection of the prosecution.

MR. TAVENNER: That is satisfactory. It is impossible for us to know what we should object to at

this time.

THE PRESIDENT: "We can't consider the evidence on its merits here. That has to be determined in court. We will leave it at that.

(Whereupon, at 1505, the proceeding was concluded.)

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